

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**MAHSA P. KHYAVI and PARVIZ
PHARMACEUTICALS AND
HEALTH SYSTEMS,**

Plaintiffs,

vs.

**PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,**

Defendant.

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**CIVIL ACTION NO. 4:17-CV-
000760-ALM-CAN**

DEFENDANT’S NOTICE OF PLAINTIFFS’ NON-RESPONSE TO MOTIONS

Defendant President and Fellows of Harvard College (“Harvard”) files this Notice of Plaintiffs’ Mahsa P. Khyavi and Parviz Pharmaceuticals and Health Systems (together, “Plaintiffs”) Non-Response to Motions, to notify the Court that Plaintiffs have failed to respond to Harvard’s pending Motions to Dismiss and Motion for a More Definite Statement.

1. On October 30, 2017, Harvard filed the following four motions (collectively, the “Pre-Answer Motions”):

- Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 8);
- Motion to Dismiss for Improper Venue (Dkt. 9);
- Motion for a More Definite Statement (Dkt. 10); and
- Motion to Dismiss Parviz Pharmaceuticals and Health Systems as a Plaintiff in this Suit (Dkt. 12).

2. On November 9, 2017, Harvard also filed its Emergency Motion to Stay All Discovery and to Continue the Rule 26(f) Conference Deadline. (Dkt. 13).

3. By Order dated November 12, 2017, the Court ordered Plaintiffs to file their

response(s) to the Pre-Answer Motions on or before Monday, November 27, 2017.¹ (Dkt. 14).

In the Order, the Court further advised Plaintiffs that, if they failed to file any response on or before November 27, 2017, “Plaintiff’s claims against these defendants [would] be recommended for dismissal.” (Dkt. 14) (emphasis added).

4. To date, Plaintiffs have not filed a response to the Pre-Answer Motions.

5. Local Rule CV-7(e) provides, in part, that “[a] party opposing a motion has fourteen days . . . from the date the motion was served in which to file a response and any supporting documents, after which the court will consider the submitted motion for decision.” Local Rule CV-7(e). Further, “[a] party’s failure to oppose a motion in the manner prescribed [in the Local Rules] creates a presumption that the party does not controvert the facts set out by [the] movant and has no evidence to offer in opposition to the motion.” Local Rule CV-7(d).

6. Harvard respectfully requests that the Court take judicial notice and assume that Plaintiffs have no opposition to the Court’s granting of the Pre-Answer Motions. *See* Local Rule CV-7(d).

7. Accordingly, Harvard respectfully requests that the Court grant the Pre-Answer Motions and dismiss this case with prejudice on or before the December 8, 2017 deadline to hold the Rule 26(f) conference.

WHEREFORE, Harvard prays the Court grant the Pre-Answer Motions and dismiss this case with prejudice, and for such other and further relief to which Harvard may justly be entitled.

¹ In addition, the November 12, 2017 Order extended the deadline to conduct the Rule 26(f) conference until December 8, 2017, extended the deadline to file the Rule 26 report until December 11, 2017, and extended the deadline for the initial mandatory disclosures until December 18, 2017.

Dated: December 5, 2017.

Respectfully submitted,

/s/ Kimberly Williams

Kimberly F. Williams

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**ATTORNEYS FOR PRESIDENT AND
FELLOWS OF HARVARD COLLEGE**

CERTIFICATE OF SERVICE

I certify that on December 5, 2017, I served a copy of this document on the following via regular U.S. mail and certified mail, return receipt requested, at the address shown below:

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/s/ Kimberly Williams